

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Pursuant to the authority of Iowa Code section 137F.2, the Department of Inspections and Appeals hereby amends Chapter 31, "Food Establishment and Food Processing Plant Inspections," Iowa Administrative Code.

The Department is adopting an amendment to the requirement that all wild mushrooms be inspected by an approved mushroom identification expert prior to their sale at food establishments. The amendment clarifies the requirement for a morel mushroom identification expert only. The amendment allows an individual who has successfully completed a three-hour morel mushroom identification expert course (every three years) to procure or sell wild morel mushrooms to a food establishment.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 8697B** on April 21, 2010. The amendment was also Adopted and Filed Emergency and published on the same date as **ARC 8696B**.

Comments from the public related to a belief that the amendment imposed additional regulation and would limit the sale of morel mushrooms; whereas, the amendment is intended to do exactly the opposite and make it easier to sell morel mushrooms.

To make the amendment more clear, the Department has clarified that the sale of morel mushrooms is allowed at farmers markets.

This amendment is intended to implement Iowa Code section 137F.2.

This amendment will become effective July 21, 2010, at which time the Adopted and Filed Emergency amendment is hereby rescinded.

The following amendment is adopted.

Adopt the following **new** subrule 31.1(12):

31.1(12) Section 3-201.16, paragraph (A), is amended by the adding the following:

"A food establishment or farmers market potentially hazardous food licensee may serve or sell morel mushrooms if procured from an individual who has completed a morel mushroom identification expert course. Every morel mushroom shall be identified and found to be safe by a certified morel mushroom identification expert whose competence has been verified and approved by the department through the expert's successful completion of a morel mushroom identification expert course provided by either an accredited college or university or a mycological society. The certified morel mushroom identification expert shall personally inspect each mushroom and determine it to be a morel mushroom. A morel mushroom identification expert course shall be at least three hours in length. To maintain status as a morel mushroom identification expert, the individual shall have successfully completed a morel mushroom identification expert course described above within the past three years. A person who wishes to offer a morel mushroom identification expert course must submit the course curriculum to the department for review and approval. Food establishments or farmers market potentially hazardous food licensees offering morel mushrooms shall maintain the following information for a period of 90 days from the date the morel mushrooms were obtained:

- "1. The name, address, and telephone number of the morel mushroom identification expert;
- "2. A copy of the morel mushroom identification expert's certificate of successful completion of the course, containing the date of completion; and
- "3. The quantity of morel mushrooms purchased and the date(s) purchased.

“Furthermore, a consumer advisory shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means that wild mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.”

[Filed 5/26/10, effective 7/21/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/16/10.